

PATENT *DAE* *EW*

ATTORNEY DOCKET NO.: UCSD1680

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Schilling and Letscher Art Unit: 1631
Application No.: 09/928,191 Examiner: Lori A. Clow
Filed: August 11, 2001
Title: IDENTIFICATION OF ANTIBIOTIC TARGETS AND CRITICAL
POINTS IN METABOLIC NETWORKS BASED ON PATHWAY
ANALYSIS

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL SHEET

Sir:

Transmitted herewith for the above-identified application please find:

1. Petition for Revival of an Application Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) (2 pages);
2. Statement Accompanying Petition for Revival of an Application Abandoned Unintentionally Under 37 C.F.R. § 1.137(b) (3 pages);
3. Response to Office Communication mailed February 20, 2004 (2 pages);
4. Check No.: 570007 in the amount of \$665.00; and
5. Return Receipt Postcard.

CERTIFICATION UNDER 37 CFR §1.8	
I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on <u>November 16, 2004</u> , in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<i>Cara Grifone</i>	<i>11/17/04</i>
Cara Grifone	

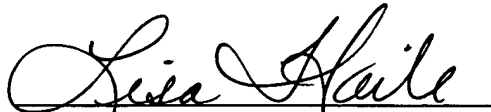
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Filed: August 11, 2001
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Check No. 570007 is enclosed in the amount of \$665.00 as payment for the petition fee to revive an unintentionally abandoned application based on Small Entity Status. No additional fees are believed due with the present response. However, if a fee is required, the Commissioner is hereby authorized to charge any other fees associated with the filing submitted herewith, or credit any overpayments to Deposit Account No. 07-1896. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: November 17, 2004



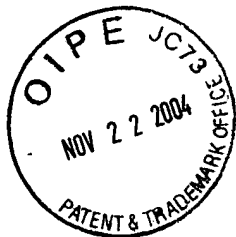
Lisa A. Haile, J.D., Ph.D.

Registration No. 38,347

Telephone: (858) 677-1456

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GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1100
San Diego, CA 92121-2133
USPTO Customer Number 28213



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Alexandria, VA 22313-1450

PETITION FOR REVIVAL OF AN APPLICATION ABANDONED
UNINTENTIONALLY UNDER 37 C.F.R § 1.137(b)

Sir:

Responsive to the Notice of Abandonment mailed October 6, 2004, Applicant hereby petitions for revival of the above-identified application under the provisions of 37 CFR § 1.137(b) on the grounds that the failure to timely file a proper reply to the Office Communication mailed February 20, 2004 was an unintentional error.

The above identified application became abandoned for Applicant's alleged failure to respond to the Office Communication mailed February 20, 2004. As Applicant believed that all outstanding Office communications had been addressed and that the application was pending, Applicant did not provide a Response.

The entire delay in filing the required reply from the due date for reply until the filing of the present grantable petition pursuant to 37 CFR § 1.137(b) was unintentional, as detailed in the accompanying Statement.

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CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on November 17, 2004, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cara Grifone
Cara Grifone

11/17/04

In re Application of:
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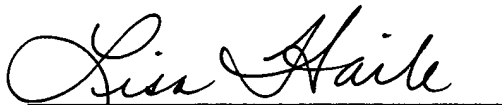
Submitted herewith, as required by C.F.R. §1.137(b)(1-4), are the following:

1. The required reply (Response to the Office Communication mailed February 20, 2004);
2. Check No. 570007 in the amount of \$665.00 (the petition fee pursuant to CFR §1.17(l) to revive an unintentionally abandoned application); and
3. A Statement that the entire delay in filing the required reply, from the due date to the filing of a grantable petition pursuant to 37 CFR § 1.137(b), was unintentional.

Applicant respectfully petitions for revival of the above-identified application. Enclosed is Check No. 570007 in the amount of \$665.00 for the petition fee to revive an unintentionally abandoned application, as set forth above. The Commissioner is hereby authorized to charge any additional fees, or make any credits, to Deposit Account No. 07-1896. If the Examiner would like to discuss any of the issues raised herein, Applicant's representative can be reached at (858) 677-1456.

Respectfully submitted,

Date: November 17, 2004



Lisa A. Haile, J.D., Ph.D.
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**STATEMENT ACCOMPANYING PETITION UNDER 37 C.F.R. §1.137(b) TO REVIVE
AN UNINTENTIONALLY ABANDONED PATENT APPLICATION**

Sir:

Responsive to the Notice of Abandonment mailed October 6, 2004, this Statement accompanies a Petition for Revival of the above-identified application under the provisions of 37 CFR § 1.137(b) on the grounds that the application was abandoned unintentionally by Applicant. It is respectfully submitted that Applicant's failure to respond to the Notice of Non-Compliant Amendment mailed February 20, 2004 was an unintentional error. The Notice of Non-Compliant Amendment mailed February 20, 2004 indicates the Response filed December 5, 2003 was not fully responsive to the Restriction/Election Requirement mailed October 3, 2003. As Applicant believed that all required replies had been filed, and that the application was pending, Applicant did not provide a further Response.

CERTIFICATION UNDER 37 CFR §1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on November 17, 2004, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Cara Grifone

Cara Grifone 11/17/04

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The entire delay in filing the required reply from the due date for reply until the filing of the accompanying grantable petition pursuant to 37 CFR § 1.137(b) was unintentional.

Applicant's entire delay from the time the Response was initially due until the filing of the present grantable petition pursuant to 37 CFR § 1.137(b) was initially due to the fact that Applicant was unaware that any additional response was due. Applicant's representative did not receive the Notice of Non-Compliant Amendment mailed February 20, 2004 until September 16, 2004, after inquiring into the status of the application. Upon receipt of the Notice of Abandonment mailed October 6, 2004, Applicant immediately determined the status of the situation and had counsel prepare the present petition for revival of the unintentionally abandoned application.

This statement accompanies the Petition for Revival, along with a check in the amount of \$665.00, the petition fee pursuant to CFR §1.17(l) to revive an unintentionally abandoned application:

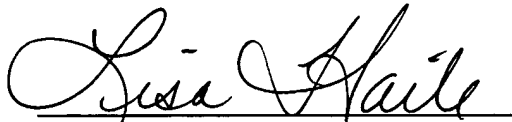
The present Statement provides the required statement that the entire delay in filing the required reply from the due date for reply until the filing of the accompanying grantable petition pursuant to 37 CFR § 1.137(b) was unintentional.

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Enclosed is Check No. 570007 in the amount of \$665.00, the petition fee to revive an unintentionally abandoned application. No additional fees are believed due with the present response. However, please charge any additional fees, or make any credits, to Deposit Account No. 07-1896. If the Examiner would like to discuss any of the issues raised herein, Applicant's representative can be reached at (858) 677-1456.

Respectfully submitted,



Date: November 17, 2004

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